

**CITY OF CALISTOGA
PLANNING COMMISSION
RESOLUTION PC 2013-__**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A PARCEL MAP FOR THE BERRY COTTAGES PROJECT LOCATED AT 1110, 1112 & 1116 BERRY STREET (APN 011-242-001) WITHIN THE “PD”, BERRY COTTAGES PLANNED DEVELOPMENT DISTRICT.

1
2 **WHEREAS**, an application was submitted by the Property Owners, Robert and
3 Valerie Beck and Thomas Crowley on October 5, 2012 requesting; 1) the rezoning of
4 the property from an “R3”, Residential/Professional Office to a “PD”, Planned
5 Development Zoning District, 2) a Parcel Map, 3) a Preliminary/Final Development Plan,
6 and 4) a waiver from the undergrounding of utilities allowing the creation of 3 parcels
7 from an already developed property located at 1110, 1112 and 1116 Berry Street (APN
8 011-242-001); and
9

10 **WHEREAS**, the project is exempt from the California Environmental Quality Act
11 (CEQA) under Section 15061(b)(3) of the CEQA Guidelines since the proposed project
12 has no potential for causing a significant effect on the environment; and
13

14 **WHEREAS**, the Planning Commission reviewed the project during a public
15 hearing at it’s regularly scheduled meeting on January 9, 2013. During its review, the
16 Planning Commission considered the public record, including the staff report, findings,
17 and written materials and testimony presented by the applicant and the public during the
18 hearing; and
19

20 **WHEREAS**, pursuant to Section 16.10.040 of the Calistoga Municipal Code the
21 Planning Commission has made the following findings for approval of the Tentative
22 Parcel Map:
23

- 24 1. *That the proposed subdivision, together with the provisions for its design and*
25 *improvement, is consistent with the General Plan, any applicable specific plan,*
26 *and other applicable provisions of this code.*
27

28 Finding: The proposal is consistent with the High Density Residential General
29 Plan designation, which allows 10 to 20 dwelling units per acre. The proposal is
30 for 18 dwelling units per acre. There is no applicable specific plan.
31

- 32 2. *Except for condominium conversion projects, where no new structures are*
33 *added, that the design of the proposed subdivision provides, to the extent*
34 *feasible, for future passive or natural heating or cooling opportunities in the*
35 *subdivision, as described in the State Subdivision Map Act and any guidelines*
36 *promulgated by the Council.*
37

38 Finding: The property is currently developed with three existing cottages. No new
39 structures will be added as a result of the Parcel Map and opportunities for future
40 passive or natural heating or cooling will not be effected by this Parcel Map.
41

- 42 3. *That the site is physically suitable for the type and density of development.*

43 Finding: There are no changes proposed to the type of land use (residential) or
44 density (10 to 20 dwelling units per acre) presented in this application. This
45 residential development will be required to meet and maintain strict development
46 standards (e.g. setbacks, lot coverage and height limitations) and will be in a
47 location that would not create land use conflicts.
48

49 4. *That the proposed subdivision has been reviewed in compliance with the*
50 *California Environmental Quality Act (CEQA) and that the project will not result in*
51 *detrimental or adverse impacts upon the public resources, wildlife or public*
52 *health, safety and welfare.*
53

54 Finding: The proposed project is Categorically Exempt from the requirements of
55 the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)
56 of the CEQA Guidelines and since no new development will occur the project will
57 not result in detrimental or adverse impacts upon the public resources, wildlife or
58 public health, safety and welfare.
59

60 **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning
61 Commission that based on the above findings, the Planning Commission hereby
62 recommends that the City Council approve the Berry Cottages Tentative Parcel Map,
63 subject to the following conditions of approval:
64

65 **General Conditions:**
66

- 67 1. The configuration of the Final Parcel Map may include minor amendments,
68 provided that all proposed parcels comply with the Zoning Ordinance and
69 General Plan, and the modification does not result in any increased
70 environmental impact. Any modification shall be subject to approval by the
71 Planning and Building Department Director and the Department of Public Works
72 Director.
73
- 74 2. This Tentative Parcel Map shall expire two years from the City Council granting
75 approval, unless an extension has been granted consistent with the subdivision
76 ordinance and the Subdivision Map Act.
77
- 78 3. Prior to the recordation of the Final Parcel Map, all current and estimated taxes
79 due for this property shall be paid to the County Tax Collector's office.
80
- 81 4. Prior recordation of the final parcel map, the developer shall pay a quality of life
82 development impact fee in the amount of \$9,000.00 to offset the impacts to cultural
83 and recreation facilities.
84
- 85 5. Prior to the recordation of the Final Parcel Map, all parcel corners and angle
86 points, and all right-of-way curve points shall be monumented, subject to the
87 approval of the City Engineer.
88

- 89 6. Developer shall design and construct all improvements and facilities shown on any
90 approved tentative map, site plan, or other documents submitted for permit
91 approval, all representations made by Developer, and with the plans and
92 specifications submitted to and approved by City, to comply with the General Plan,
93 the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public
94 Works Department. Approval of a tentative map depicting improvements that do
95 not conform to the CMC or City standards does not constitute approval of
96 exception to the CMC or City standards unless explicitly stated herein or in another
97 City resolution.
98
- 99 7. The developer shall be responsible for all City plan check, map check and
100 inspection costs. The developer shall deposit funds into a City Developer
101 Deposit Account upon the initiation of plan check services. The amount of the
102 initial deposit shall be determined by the City Engineer. Additional funds may be
103 required based upon actual plan check costs. Prior to approval of the
104 improvement plans the developer shall pay any outstanding balance for plan
105 checking services and shall deposit an additional amount based upon the City's
106 estimate of inspection costs.
107
- 108 8. In the event that the City is forced to condemn or acquire off-site property interest
109 in connection with required off-site improvements, the developer shall fund the
110 cost of condemnation or acquisition, including but not limited to the amounts
111 necessary to purchase the easement or fee simple interest, document
112 preparation, and severance or other damages payable to the owners of the land
113 upon which the improvements are to be located, the actual cost and acquisition
114 and all fees, including attorney's fee and/or other expenses necessary to
115 prosecute the condemnation action, including expert witness and appraisal fees.
116
117 In the event that the City elects to proceed with acquisition or condemnation
118 pursuant to Government Code Section 66462.5, the developer shall, within 60
119 days of written notice by the City, deposit with the City, as an advance, the full
120 estimated cost of such acquisition or condemnation. The developer shall prepare
121 any easements or deeds necessary for off-site improvements.
122
- 123 9. Unless otherwise explicitly permitted, all existing wells, septic tanks and/or
124 underground fuel storage tanks shall be abandoned under permit and inspection
125 of Napa County Environmental Management or other designated agency. If
126 there are none, the project engineer shall provide a letter describing the scope of
127 the search done to make this determination.
128

129 **Planning and Building Department Conditions:**

- 130
131 10. Prior to recordation of the Final Parcel Map, all buildings and/or structure shall be
132 modified to comply with the development standards of the "PD 2012-01", Berry
133 Cottages Planned Development District, unless allowed by the Planning and
134 Building Department. All work shall be performed upon first obtaining a building

135 permit subject to the review and approval of the Planning and Building
136 Department.
137

138 **Improvement Plan Conditions:**
139

140 11. The developer shall prepare and submit improvement plans for the construction
141 of all necessary and required improvements including water, sanitary sewer,
142 storm drain facilities, roadway improvements, curbs, gutters, sidewalks, and
143 streetlights. All design and construction shall conform to the City of Santa Rosa
144 Standard Specifications for Public Improvements, or other adopted City of
145 Calistoga standards as applicable.
146

147 12. No grading or other construction shall be performed until the improvement plans
148 have been approved and signed by the City Engineer. Encroachment Permits
149 and Building Permits will not be issued prior to the approval of the improvement
150 plans. An Encroachment Permit is required for any work within the City's rights
151 of way.
152

153 13. Improvement plans shall include an erosion control (winterization) plan.
154

155 14. Tree preservation measures shall be incorporated into the design of the
156 improvements and shown on the improvement plans in accordance with the
157 City's Tree Preservation Ordinance (CMC 19.01).
158

159 15. Roadway Improvements:
160

161 a. Prior to recordation of the Final Parcel Map, all existing curb cuts and
162 driveways along the property's Berry and Myrtle Street frontages shall be
163 removed and replaced with a continuous curb and gutter.
164

165 b. Prior to recordation of the Final Parcel Map, a sidewalk shall be installed
166 along the property's Myrtle Street frontage.
167

168 c. All broken or sunken curb, gutter and sidewalk along the project frontage
169 shall be repaired as part of the improvements for this project. The existing
170 nonconforming pedestrian ramp at the corner of Berry and Myrtle Street
171 shall be brought up to current accessibility standards. All curb, gutter and
172 sidewalk damaged in the course of construction shall be replaced prior to
173 final inspection or issuance of a Certificate of Occupancy.
174

175 d. Ramps for disable persons shall be provided at all intersections and at the
176 limits of the improvements where they do not adjoin existing sidewalk
177 improvements. Sidewalk warps shall be provided as necessary to allow a
178 clear four-foot wide walkway at all locations, including areas where
179 mailboxes, streetlights, and fire hydrants obstruct sidewalks.
180

- 181 18. Water and Sanitary Sewer Improvements:
182
183 a. Prior to recordation of the Final Parcel Map, each lot shall be separately
184 metered and served with an individual water lateral and dedication of the
185 proper easement(s) is required, as necessary.
186
187 b. Prior to recordation of the Final Parcel Map, each lot shall be separately
188 served with an individual sewer lateral and dedication of the proper
189 easement(s) is required, as necessary. Field tests shall be performed to
190 ensure that each residence has a separate connection and/or that the
191 proper easements are established. The developer, if required by the
192 Public Works Department, should also provide the City with a closed
193 circuit television inspection of the sewer line along the Berry and Myrtle
194 Street and repair and/or replace the line if warranted.
195
196 c. All public water and sewer mains must be located in public right-of-way
197 wherever possible. Where public water and sewer mains must be located
198 on private property, all necessary easement dedications must be made
199 prior to final acceptance of the project by the City.
200
201 c. All private storm drains, water, fire line services, sewer laterals, and
202 appurtenances, must be located within the private property and clearly
203 identified as private on the design drawings.
204
205 d. Sewer grades must be designed such that ultimate finished floors are a
206 minimum of 12" above upstream manhole or clean-out rim elevations.
207 Inadequate elevation differentials or grade on private laterals, as
208 determined by the City, must be mitigated by either raising finished floor
209 elevation(s) or installing privately owned and operated sewer lift station(s)
210 with grinder/ejector pump(s) on site.
211
212 19. Drainage Improvements:
213
214 a. Prior to recordation of the Final Parcel Map, an engineered drainage and
215 erosion control plan shall be submitted for review and approval by the
216 Public Works Department. Prior to recordation of the Final Parcel Map, the
217 developer shall provide the drainage improvements necessary to mitigate
218 the impacts generated by the project in a manner satisfactory to the Public
219 Works Department. The applicant shall contact the Public Works
220 Department regarding Drainage Plans (i.e. urban runoff plans and
221 calculations) in order to gather the appropriate information to be contained
222 within these plans. The Drainage and erosion control plans shall
223 incorporate Best Management Practices (BMP's) in all post-construction
224 design elements.
225
226 b. All project related flooding impacts shall be mitigated by the project

227 developer. Drainage improvements shall be designed by a civil engineer
228 in accordance with the Napa County Design Criteria and any applicable
229 adopted City drainage plans. The capacity and condition of existing
230 drainage facilities downstream of the development shall be analyzed and
231 off-site drainage improvements shall be constructed as necessary. Site
232 grading and drainage improvements shall be shown on the improvement
233 plans.

234
235 b. The developer's engineer shall include a site-grading plan that conforms
236 to the requirements of CMC 19.08 as part of the required improvement
237 drawings. Lots shall be generally designed to drain to the street, unless
238 otherwise approved in the interest of tree preservation or other unusual
239 circumstances.

240
241 c. All drainage inlets shall be permanently marked "No Dumping-Flows to
242 River".

243
244 **Final Map Conditions:**

245
246 20. The developer shall secure all necessary rights-of-way and easements for both
247 onsite and offsite improvements. Rights-of-way and easements shall be
248 dedicated on the map or provided by grant deed. The developer shall prepare all
249 necessary legal descriptions and deeds.

250
251 21. The final map shall not be approved prior to approval of the improvement plans.

252
253 22. Prior to approval of the final map, the developer shall either complete required
254 construction as shown on the signed improvement plans, or enter into an
255 Improvement Agreement in accordance with Calistoga Municipal Code Section
256 16.18.070. A certificate of occupancy shall not be issued for any structure until
257 required improvements are completed to the satisfaction of the City Engineer.

258
259 23. A final map, as defined in the State Subdivision Map Act and prepared by a
260 licensed surveyor or civil engineer, showing all parcels, rights-of-way, and
261 easement(s) shall be filed with the City Engineers Office. Upon recording of the
262 map, the subdivision is valid.

263
264 **Subdivision Final and/or Release of Securities Conditions:**

265
266 24. All improvements shown on the Improvement Plans shall be completed and
267 accepted by the City.

268
269 25. A complete set of *As-Built* or Record improvement plans showing all constructive
270 changes from the original plans shall be submitted to the Public Works
271 Department prior to acceptance of the public improvements.

272

- 273 26. Prior to acceptance of the work, the developer shall provide a written statement
274 signed by his or her engineer certifying that they observed the work during
275 construction and that site grading and all private site improvements have been
276 completed in accordance with the improvement plans approved by the City
277 Engineer.
278
- 279 27. Prior to acceptance of the work, the developer shall provide a written statement
280 signed by his or her geotechnical engineer certifying that they observed the work
281 and reviewed testing results, and that all of work was performed in accordance
282 with the recommendations included in the Soils Investigation/Geotechnical Report
283 or other recommendations necessitated by field conditions.
284

285 **PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City
286 of Calistoga at a regular meeting held this **9th day of January 2013**, by the following
287 vote:
288

289 **AYES:**
290 **NOES:**
291 **ABSENT:**
292 **ABSTAIN:**
293
294
295

296 _____
297 JEFF MANFREDI, Chairman
298

299 ATTEST: _____
300 ERIK V. LUNDQUIST
301 Acting Planning Commission Secretary